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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

XXXXXXXXXX,) Case No. CV XX-XXXX-JPR
)
Plaintiff[s],) ORDER SETTING SCHEDULING
) CONFERENCE
v.)
) **Date: XXXXX**
XXXXXXXXXX,) **Time: XXXXX**
) **Courtroom: Roybal 880**
Defendant[s].)
)

**PLEASE READ THIS ORDER CAREFULLY. IT DIFFERS IN
SOME RESPECTS FROM THE LOCAL RULES.**

This case has been assigned to Magistrate Judge Jean P. Rosenbluth for all purposes. It is set for a Scheduling Conference on the above date. If Plaintiff has not already served the operative complaint on all Defendants, Plaintiff must promptly do so and file proofs of service no later than three days thereafter. Defendants also must timely serve and file their responsive pleadings and file proofs of service no later than three days thereafter. At the Scheduling Conference, the Court will set a date by which motions to amend the pleadings or add parties must be heard.

1 The conference will be held in accordance with Rule
2 16(b) of the Federal Rules of Civil Procedure. The parties
3 are reminded of their obligations under Rule 26(a)(1) to
4 disclose information (without awaiting a discovery request),
5 under Rule 26(f) to confer on a discovery plan not later
6 than 21 days before the Scheduling Conference, and to efile
7 a Joint Rule 26(f) Report with the Court not later than 14
8 days before the conference. Mandatory paper chambers copies
9 of the Joint Rule 26(f) Report must be delivered to Judge
10 Rosenbluth's drop box located outside the Clerk's Office on
11 the 12th floor of the Roybal Federal Building and
12 Courthouse, 255 East Temple Street in Los Angeles, no later
13 than the first court day after the filing.

14 The Court encourages counsel to agree to begin to
15 conduct discovery actively before the Scheduling Conference,
16 although that is not required. But at the very least, the
17 parties must comply fully with the letter and spirit of Rule
18 26(a) and thereby obtain and produce most of what would be
19 produced in the early stage of discovery because at the
20 Scheduling Conference the Court will impose strict deadlines
21 to complete discovery.

22 **This Court does not exempt parties representing**
23 **themselves from compliance with any of the Local Rules,**
24 **including Local Rule 16. "Counsel" as used in this Order**
25 **includes parties representing themselves.**

26 **1. Joint Rule 26(f) Report**

27 The Joint Rule 26(f) Report, which must be filed **not**
28 **later than 14 days** before the Scheduling Conference, should

1 be drafted by Plaintiff unless the parties agree otherwise
2 but must be submitted and signed jointly. "Jointly"
3 contemplates a single report regardless of how many
4 separately represented parties there are. The Joint Rule
5 26(f) Report must specify the date of the Scheduling
6 Conference on the caption page. It must report on all
7 matters described below, which include those required to be
8 discussed by Rule 26(f) and Local Rule 26:

- 9 a. Statement of the Case: A short synopsis (not to
10 exceed two pages) of the main claims,
11 counterclaims, and affirmative defenses.
- 12 b. Subject-Matter Jurisdiction: A statement of the
13 **specific** basis of federal jurisdiction, including
14 supplemental jurisdiction.
- 15 c. Legal Issues: A brief description of the **key**
16 **legal issues**, including any unusual substantive,
17 procedural, or evidentiary issues.
- 18 d. Parties, Evidence, Etc.: A list of parties,
19 percipient witnesses, and key documents on the
20 main issues in the case. For conflict purposes,
21 corporate parties must identify all subsidiaries,
22 parents, and affiliates.
- 23 e. Damages: The realistic range of provable damages.
- 24 f. Insurance: Whether there is insurance coverage,
25 the extent of coverage, and whether there is a
26 reservation of rights.
- 27 g. Motions: A statement of the likelihood of motions
28 seeking to add other parties or claims, to file

- 1 amended pleadings, to transfer venue, etc.
- 2 h. Manual for Complex Litigation: Whether all or
3 part of the procedures of the Manual for Complex
4 Litigation should be used.
- 5 i. Status of Discovery: A discussion of the present
6 state of discovery, including a summary of
7 completed discovery.
- 8 j. Discovery Plan: A detailed discovery plan, as
9 contemplated by Rule 26(f). State what changes,
10 if any, in the disclosures under Rule 26(a) should
11 be made, the subjects on which discovery may be
12 needed, whether discovery should be conducted in
13 phases or otherwise be limited, whether applicable
14 limitations should be changed or other limitations
15 imposed, and whether the Court should enter other
16 orders. A statement that discovery will be
17 conducted as to all claims and defenses, or other
18 vague description, is not acceptable.
- 19 k. Discovery Cutoff: A proposed discovery cutoff
20 date. This means the final day for **completion of**
21 **discovery**, including resolution of all discovery
22 motions.
- 23 l. Expert Discovery: Proposed dates for expert-
24 witness disclosures (initial and rebuttal) and for
25 the expert-discovery cutoff under Rule 26(a)(2).
- 26 m. Dispositive Motions: A description of the issues
27 or claims that any party believes may be
28 determined by motion for summary judgment.

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- n. Settlement/Alternative Dispute Resolution (ADR):
A statement of what settlement discussions or written communications have occurred (**excluding anything concerning the terms discussed**). If counsel have received a Notice to Parties of Court-Directed ADR Program (Form ADR-08), the case presumptively will be referred to the Court mediation panel or private mediation (at the parties' expense). If the parties jointly desire a settlement conference with a magistrate judge, they should explain why in their report. No case will proceed to trial unless all parties, including an officer with full authority to settle the case for all corporate parties, have appeared personally at an ADR proceeding.
- o. Trial Estimate: A realistic estimate of the time required for trial and whether trial will be by jury or by court. Each side should specify (by number, not by name) how many witnesses it contemplates calling. If the time estimate for trial given in the Joint Rule 26(f) Report exceeds four court days, counsel should be prepared to discuss in detail why.
- p. Trial Counsel: The name(s) of the attorney(s) who will try the case.
- q. Independent Expert or Master: Whether this is a case in which the Court should consider appointing a master under Rule 53 or an independent

1 scientific expert. (The appointment of a master
2 may be especially appropriate if there are likely
3 to be numerous discovery disputes, numerous claims
4 to be construed in connection with a summary-
5 judgment motion, a lengthy Daubert hearing,
6 resolution of a difficult computation of damages,
7 etc.).

8 r. **Timetable: Complete the Schedule of Pretrial and**
9 **Trial Dates form attached as Exhibit A to this**
10 **Order and attach it to the Joint Rule 26(f)**

11 **Report.** The entries in the "Weeks Before Trial"
12 column reflect what the Court believes are
13 appropriate for most cases and will allow the
14 Court to rule on potentially dispositive motions
15 sufficiently in advance of the pretrial
16 conference. The form is designed to enable
17 counsel to ask the Court to set different
18 (earlier) last dates by which the key requirements
19 must be completed. Each side should write in the
20 month, day, and year it requests for each event.
21 For example, for the expert discovery cutoff it
22 might be "10/15/25" for Plaintiff and "10/29/25"
23 for Defendant if they cannot agree. At the
24 conference, the Court will review this form with
25 counsel. Each entry proposing Court dates must
26 fall on a Thursday except the trial date, which
27 should be a Wednesday. Counsel should ensure that
28 requested dates do not fall on a holiday. The

1 Court may order different dates if necessary. The
2 discovery cutoff date is the last day by which all
3 motions concerning discovery disputes must be
4 heard. The cutoff date for other motions is again
5 the last date on which motions may be **heard**, not
6 filed. The Court is not likely to continue such
7 dates and will not do so unless the trial date
8 also is continued.

9 s. Other Issues: A statement of any other issues
10 affecting the status or management of the case
11 (for example, unusually complicated technical or
12 technological issues, disputes over protective
13 orders, extraordinarily voluminous document
14 production, non-English-speaking witnesses, ADA-
15 related issues, discovery in foreign
16 jurisdictions, etc.) and any proposals concerning
17 severance, bifurcation, or other ordering of
18 proof.

19 The Joint Rule 26(f) Report must set forth the above-
20 described information under section headings corresponding
21 to those in this Order.

22 **2. Scheduling Conference**

23 The Scheduling Conference will be held in Courtroom 880
24 of the Roybal Federal Building and Courthouse, 255 East
25 Temple Street, Los Angeles, CA 90012. Counsel must comply
26 with the following:

27 a. Participation: Although the Court would prefer
28 the lead trial attorney's attendance at the

1 Scheduling Conference, it is not required. But if
2 lead trial counsel does not attend, any attorney
3 appearing for that person must be prepared to
4 discuss the case and be authorized to address
5 scheduling with the Court and opposing counsel.

6 b. Continuance: A continuance of the Scheduling
7 Conference will be granted only for good cause.

8 **3. Notice to be Provided by Counsel**

9 Plaintiff's counsel or, if Plaintiff is appearing pro
10 se, Defendant's counsel, must provide a copy of this Order
11 to any parties who first appear after the date of this Order
12 and to parties who are known to exist but have not yet
13 entered appearances. Counsel must also serve any such
14 parties with a copy of Form CV-20B, declination of consent
15 to a Magistrate Judge.

16 **4. Disclosures to Clients**

17 Counsel are ordered to deliver to their respective
18 clients a copy of this Order and of the Court's trial order,
19 which will contain the schedule the Court sets at the
20 scheduling conference.

21 **5. Court's Website**

22 Copies of this and all other orders of this Court that
23 may become applicable to this case are available on the
24 Central District of California website, at
25 www.cacd.uscourts.gov, under "Judge's Procedures and
26 Schedules." Copies of the Local Rules are available on the
27 website as well.

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1 The Court thanks the parties and their counsel for
2 their anticipated cooperation in complying with these
3 requirements.

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IT IS SO ORDERED.

Dated: _____

JEAN P. ROSENBLUTH
U.S. Magistrate Judge

EXHIBIT A

JUDGE JEAN P. ROSENBLUTH
SCHEDULE OF PRETRIAL AND TRIAL DATES WORKSHEET

| | | | | |
|--|--------------------------|---|---|-------------|
| Case No. | | | | |
| Case Name | | | | |
| Matter | | Plaintiff(s)' Date mo / day / year | Defendant(s)' Date mo / day / year | Court Order |
| [] Jury Trial or [] Court Trial (Wednesday at 9 a.m.) Duration Estimate: _____ Days | | | | |
| Final Pretrial Conference [LR 16] and Hearing on Motions in Limine (Thursday at 11:00 a.m. -- <u>three (3)</u> weeks before trial date) Motions in Limine must be filed <u>three</u> <u>(3) weeks</u> before this date; oppositions are due <u>two (2) weeks</u> before this date; reply brief one week before this date. | | | | |
| Event | Weeks Before Trial | Plaintiff(s)' Date mo / day / year | Defendant(s)' Date mo / day / year | Court Order |
| Last Date to Hear Motion to Amend Pleadings / Add Parties | | | | |
| Non-Expert Discovery Cutoff (at least 4 weeks before last date to hear motions) | 18 | | | |
| Expert Disclosure (Initial) | | | | |
| Expert Disclosure (Rebuttal) | | | | |
| Expert Discovery Cutoff | 14 * | | | |
| Last Date to Hear Motions (Thursday at 11:00 a.m.) | 14 | | | |
| Last Date to Conduct Settlement Conference | 12 | | | |

| | | | | |
|--|---|--|--|--|
| <u>For Jury Trial</u> File Memorandum of Contentions of Fact and Law, LR 16-4 File Exhibit and Witness Lists, LR 16-5.6 File Status Report Regarding Settlement File Motions in Limine | 6 | | | |
| <u>For Jury Trial</u> Lodge Pretrial Conference Order, LR 16-7 File Agreed Set of Jury Instructions and Verdict Forms File Statement Regarding Disputed Instructions, Verdicts, etc. File Oppositions to Motions in Limine | 5 | | | |
| <u>For Court Trial</u> Lodge Findings of Fact and Conclusions of Law, LR 52, and Summaries of Direct Testimony | 3 | | | |

* The parties may choose to cut off expert discovery before the MSJ briefing.

ADR [LR 16-15] Selection:

- Attorney Settlement-Officer Panel
- Private Mediation
- Magistrate Judge (with Court approval)